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10/805,352

03/22/2004

Jae-Ryong Park

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

ALEXANDER, REGINALD

ART UNIT

PAPER NUMBER

1761

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
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3 MONTHS

02/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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# Office Action Summary

Application No.

10/805,352

Applicant(s)

PARK ET AL.

Examiner

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Kim et al.

There is disclosed in Clark an oven having a main body 12, 14, 16, 18, the oven comprising: a rear panel 30 detachably placed inside the main body; side panels 28 detachably connected to opposite sides of the rear panel; an upper heater 42 and a lower heater 52 disposed at an upper panel 34 and a lower panel 36 of the oven, the upper heater providing a downwardly sloped protrusion in the upper panel; and a ceramic material coating 32, 38 on the surface of the oven panels.

Coleman discloses the use of an upper downwardly sloped heater 6 and lower heater 7 arranged within a heating oven.

Kim discloses an upper heater 41 which can be sloped downwardly.

It would have been obvious to one skilled in the art to substitute the heater arrangement taught in Clark with that taught in Kim, in order to enhance the heating ability of the oven.

In regards to the recited use of the device as a bread maker, there is provided no structure in the claims to define the device as such.

Claims 1, 2, 5, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedenberg '009 in view of Clark.

There is disclosed in Hedenberg a bread maker, comprising: a main body 2; an oven (see fig. 2) having side walls; a door 10; an upper sloped heater 20 and lower heater 18; a baking tray 25; and baking tray rails 34 connected to a lower portion of the oven side walls.

Clark, as discussed in the rejection above, discloses the use of rear and side oven panels having a ceramic coating, as well as an upper panel (upper bending part) and lower panel (lower bending part) attached to an upper end and lower end of the rear panel.

It would have been obvious to one skilled in the art to provide a ceramic coating on the oven side walls of Hedenberg as taught by Clark, in order to protect the surface of the walls.

It would have been obvious to one skilled in the art to provide the oven of Hedenberg with rear, upper and lower detachable walls in addition to the side walls as taught by Clark, for the purpose of providing a complete enclosed oven chamber having good heat reflecting capabilities. Additionally, the walls of the oven will provide protection from heat for the surrounding elements within the main body of the bread maker.

### ***Response to Arguments***

Applicant's arguments filed 21 December 2006 have been fully considered but they are not persuasive.

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Applicant argues that the prior art fails to disclose an upper heater being sloped downward towards a center of the oven. A view of figure 3 of Hedenberg discloses that the upper heater 20 is sloped downward and a center portion of the sloping heater is directed toward a center of the oven so as to project heat in a direction toward a baking tray.

Applicant's argument that there is no motivation to combine Kim with the Clark reference is noted. Applicant states that the objective of Clark would be defeated by the use of an upper downwardly sloped heating element such as that disclosed in Kim. The teaching in Kim is that a heating element which can be placed in various locations would provide an improvement in the control of a heating array within the oven. Thus, even with the desire to heat panels, as taught in Clark, it can be done so with the control provided in Kim.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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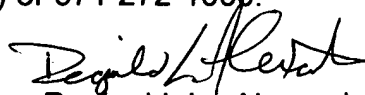
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rla  
05 February 2007

  
Reginald L. Alexander  
Primary Examiner  
Art Unit 1761